

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACK PERSHING SEXTON, and  
RONALD CLAUDE KETTELLS,

Defendants,

and

CHRISTOPHER KOM,

Third-Party Petitioner.

NO. CR11-383-RSL

**STIPULATED SETTLEMENT  
AGREEMENT**

IT IS STIPULATED between Plaintiff, United States of America, by and through the undersigned counsel, and *pro se* Third Party Petitioner, Christopher Kom, to settle Petitioner Kom's claim of interest to the following property:

One Mossberg pistol-grip shotgun, bearing serial number T469627, (hereinafter referred to as the "Subject Firearm").

On June 21, 2013, this Court entered a Preliminary Orders of Forfeiture, Docket No. 164 and 166, in this matter forfeiting the interest of Defendants Jack Pershing Sexton and Ronald Claude Kettles in the Subject Firearm pursuant to the conviction of the Defendants to the offense of Using a Firearm During and in Relation to a Crime of

1 Violence, as charged in Counts 4, 6, and 8 of the Superseding Indictment, in violation of  
2 Title 18, United States Code, Sections 924(c)(1)(A)(ii) and (C)(i), and 2, and based upon  
3 the evidence already admitted into the record at trial supporting the conviction of the  
4 Defendants. Docket No. 149.

5 Pursuant to Title 21, United States Code, Section 853(n), the United States  
6 published notice on an official government forfeiture website, currently  
7 [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) days beginning June 26, 2013. *See* Docket No. 210.

8 In the publication the United States published notice of the Preliminary Order of  
9 Forfeiture and the intent of the United States to dispose of the property in accordance  
10 with law. This notice further stated that any person other than the defendant having or  
11 claiming an interest in the property was required to file a petition with the Court within  
12 sixty (60) days of the first date of publication, setting forth the nature of the petitioner's  
13 right, title, and interest in the property.

14 Following direct notice, Third Party Petitioner Christopher Kom filed a claim on  
15 April 20, 2018 to the Subject Firearm, in which he asserted his interest in the Subject  
16 Firearm, which he indicated had been stolen. *See* Docket No. 211.

17 No other person or entity has filed a petition asserting an interest in the Subject  
18 Firearm.

19 This Stipulated Settlement Agreement ("Agreement") is entered into between the  
20 parties pursuant to the following terms:

21 1. This Agreement is for settlement purposes only and does not constitute an  
22 admission by Petitioner Kom of any knowledge or involvement of any kind in the events  
23 forming the basis for the Government's allegations of forfeiture.

24 2. The parties to this Agreement stipulate that Petitioner Kom has an interest  
25 in the Subject Firearm as Petitioner Kom is the last known owner of the Subject Firearm.  
26 Law enforcement authorities later recovered the stolen Subject Firearm during the course  
27 of the Sexton/Kettles investigation. Therefore, the United States and Petitioner Kom  
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1 agree to settle Petitioner's claim by returning the stolen Subject Firearm to Petitioner  
2 Kom.

3 3. Petitioner agrees to release and hold harmless the United States, the  
4 United States Department of Justice, and any and all agents, servants, and employees of  
5 the United States and its agencies, acting in their individual or official capacities, from  
6 any and all claims by Petitioner and/or his representatives, agents, heirs, successors, and  
7 assigns, which currently exist or which may arise as a result of the search and seizure of  
8 the Subject Firearm, and/or forfeiture action involving the Subject Firearm.

9 4. Petitioner agrees that this Agreement shall constitute full settlement and  
10 satisfaction of any and all claims by Mr. Kom to the Subject Firearm resulting from the  
11 incidents or circumstances giving rise to this action.

12 5. Petitioner understands and agrees that, by entering into this Agreement, he  
13 waives any right to litigate further any interest in the Subject Firearm, or any right to  
14 petition for remission or mitigation of its forfeiture.

15 6. Petitioner understands and agrees that this Agreement does not make him a  
16 "prevailing party" in this action. Each party to this Agreement agrees to bear its own  
17 costs and attorney's fees.

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**ORDER**

Based upon the foregoing stipulation of the parties, this Stipulated Settlement Agreement is APPROVED.

DATED this 7<sup>th</sup> day of May, 2018.



ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE